

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

AMERICAN OVERSIGHT,

Plaintiff,

v.

BRAD RAFFENSPERGER, in his individual capacity and official capacity as the Secretary of State of Georgia; JOHN DOE I-V, in their individual capacities and their official capacities with the Georgia Secretary of State's Office,

Defendants.

CIVIL ACTION FILE NO.
2020CV341511

HON. ERIC K. DUNAWAY

ORDER ON DEFENDANT'S MOTION FOR PROTECTIVE ORDER

On September 30, 2021, the above-styled case came before this Court for a hearing via the Zoom Application on DEFENDANT BRAD RAFFENSPERGER'S MOTION FOR PROTECTIVE ORDER. After hearing counsels' arguments, reviewing all matters filed with the Court, the applicable law, and all other pertinent matters of record, this Court finds as follows:

Defendant has asked this Court to limit discovery to issues raised in Counts II and III of the complaint. O.C.G.A. § 9-11-26 contains the general provisions regarding civil discovery in Georgia courts. As to the scope of discovery, OCGA § 9-11-26(b)(1) says, in pertinent part, parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action. In the discovery context, courts should, and ordinarily do, interpret "relevant" very broadly to mean matter that is relevant to anything that is or may become an issue in the litigation. *General Motors, LLC v. Buchanan*, 359 Ga. App. 412. As such, Defendant's Motion to limit discovery to the issues raised in Counts II and III is therefore DENIED.

Defendant seeks an order from this court limiting the number of depositions to one 30(b)(6) deposition. O.C.G.A. § 9-11-30(b)(6) states, a party may, . . . , name as the deponent a public or private corporation . . . , partnership or association. This paragraph does not limit the number of 30(b)(6) depositions that may be had. [T]he discovery procedure is to be construed liberally in favor of supplying a party with the facts, and it is only in rare cases, based on good cause shown, that the trial court may refuse a deposition altogether. *General Motors, LLC v. Buchanan*, 359 Ga. App. 412. Defendant's Motion to limit the number of depositions to one 30(b)(6) deposition is hereby DENIED.

Lastly, Plaintiff has noticed the deposition of Defendant Raffensperger. Defendant has asked this Court to quash the previously noticed deposition of Secretary Raffensperger. Defendant contends that any testimony provided by the Secretary could be given by one or more other witnesses within his office who have knowledge of the relevant facts. Defendant points out that the U.S. District Court for the Northern District of Georgia did not permit plaintiffs in an election lawsuit to depose Secretary Raffensperger when a 30(b)(6) representative was available to testify. *See* Order dated December 5, 2019, in *Fair Fight Action, Inc. v. Raffensperger*, Civil Action No. 1:18-CV-5391-SCJ. [A] trial court has wide discretion in permitting or preventing the use of . . . depositions . . . as to matter[s] concerning . . . information . . . already at hand. *Hampton Island Founders, LLC v. Liberty Capitol, LLC*, 283 Ga. 289. This Court will make a determination as to whether it is necessary to depose Secretary Brad Raffensperger after the remaining 30(b)(6) depositions are completed. The parties will have until October 22, 2021, to complete depositions of 30(b)(6) witnesses. The 30(b)(6) witness depositions are to be forwarded to the court for review.

SO ORDERED, this 30th day of September, 2021.

A handwritten signature in black ink, reading "Eric Dunaway". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Honorable Eric K. Dunaway
Judge, Superior Court of Fulton County
Atlanta Judicial Circuit

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